

AMENDMENTS TO THE CLAIMS:

The following is a complete listing of the claims:

1-15. (Cancelled)

16. (Currently amended) A method of preparing a soybean seed mix, wherein all the seed of the mix have a ~~proprietary~~ genetically modified trait and a fraction of the seed is heterozygous or homozygous for seed coat color, the method comprising:

- i) planting homozygote black seed coat soybean plants having genotype RRiiTT in separate, alternate rows in the same field as cultivars that have a ~~proprietary~~ genetically modified trait and that are not homozygote black seed coat soybean plants;
- ii) harvesting grain from the rows planted with the cultivars that contain the ~~proprietary~~ genetically modified trait and that are not homozygote black seed coat soybean plants; and
- iii) replanting the grain in separate, alternate rows in the same field as homozygote black seed coat soybean plants having genotype RRiiTT and harvesting the grain over at least one additional generation; wherein only the rows planted with the grain are harvested;

wherein the grain obtained from step iii constitutes a soybean seed mix.

17. (Currently amended) The method of claim 16 further comprising:

- iv) separating the black seed coat seeds from the harvested grain of step iii);
- v) propagating the black seed coat seeds through at least one generation of self-pollination; and
- vi) mixing a known quantity of the propagated black seed coat seed with seed of a commercial cultivar having the ~~proprietary~~ genetically modified trait.

18. (Original) The method of claim 17, further comprising growing the mixture containing a known quantity of black seed coat seeds with the commercial cultivar seeds in the last season of seed increase prior to commercial sale.

19-40. (Cancelled)

- 41. (Currently amended) The method of claim 16, wherein the ~~proprietary~~ genetically modified trait is herbicide resistance.
- 42. (Currently amended) The method of claim 41, wherein the ~~proprietary~~ genetically modified trait is glyphosate resistance.
- 43. (Currently amended) The method of claim 41, wherein cross-pollination of the cultivar having the ~~proprietary~~ genetically modified trait by the black seed coat soybean plants is promoted by treating the rows of said cultivar with a herbicide.
- 44. (Previously presented) The method of claim 43, wherein the herbicide is glyphosate.
- 45. (Cancelled)
- 46. (Currently amended) The method of claim 16, wherein with step i) the coat color of seeds from the cultivar having ~~a proprietary~~ the genetically modified trait is yellow.
- 47. (Previously presented) The method of claim 17, wherein the coat color of the commercial cultivar seeds is yellow.
- 48. (Previously presented) The method of claim 17, wherein the seed mix obtained from step vi comprises between about 0.1% to about 10% by weight black seed coat seed.
- 49. (Previously presented) The method of claim 48, wherein the seed mix obtained from step vi comprises between about 0.5% to about 4% by weight black seed coat seed.